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## ORDINANCE NO. 87-23

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE ZONING CODE OF PALM BEACH COUNTY, ORDINANCE NO. 72-3 AS AMENDED SECTION 401 (APPLICATION PROCEDURE FOR ALL PETITIONS); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, Chapter 125 (County Government), Florida Statutes, establishes the right and power of counties to provide for the health, welfare and safety of existing and future residents by enacting and enforcing zoning regulations; and

WHEREAS, Chapter 163 (Intergovernmental Programs), Part II (Local Government Comprehensive Planning and Land Development Regulation Act), Florida Statutes, provides that counties shall have power and responsibility to plan comprehensively for their future development and growth, including the adoption and implementation of appropriate land development regulations which are necessary or desirable to implement a comprehensive plan; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, sitting as the Local Planning Agency, have determined that these proposed amendments to the Palm Beach County Zoning Code are consistent with the adopted Comprehensive Plan of Palm Beach County, as required by Section 163.3194(2)(a), Florida Statutes;

WHEREAS, the Palm Beach County Comprehensive Plan encourages intergovernmental coordination with other units of local government.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

SECTION 1. The Palm Beach County Zoning Code (Ordinance 72-3) as amended, Section 401 (Application Procedure for All Petitions) is hereby renumbered and amended to read as follows:

B. APPLICATION PROCEDURE.

1. The application procedures and requirements in this Section shall apply to the following:

a. DISTRICT BOUNDARY CHANGES (REZONING)

- b. SPECIAL EXCEPTIONS
- c. ZONING REGULATION CHANGES (ORDINANCE AMENDMENT)
- d. MODIFICATION OF COMMISSION REQUIREMENTS
- e. SPECIAL PERMITS
- f. VARIANCE REQUESTS (BOARD OF ADJUSTMENT)

2. With the exception of requirements for personal or record notice, the Executive Director of the Department of Planning, Zoning and Building may waive or modify any application requirement in this Code for petitions filed in the name of the Board of County Commissioners.

3. Applications for petitions pertaining to: district boundary changes (rezonings), special exceptions, or variances for properties located within the area encompassed by the Delray Beach Enclave Act, Chapter 86-427, Laws of Florida, shall be subject to a review period of not more than sixty (60) days prior to certification of the petition. Upon receipt of any petition, as hereinabove described, the Department shall transmit to the City of Delray Beach all of the materials and information the Department has received which has been submitted by the applicant as part of that petition. No action to certify a petition as hereinabove described shall be taken by the Department for up to sixty (60) days, or until the Department has received a written response from the City of Delray Beach under the signature of the Mayor or his designee, whichever comes first. The City of Delray Beach may recommend through its written response, comments, or proposed conditions which may address provisions of the City of Delray Beach's zoning code, but which are not specifically or necessarily a part of the County's zoning code requirements. These proposed conditions may be included by the County as conditions to any petition as defined herein.

1 SECTION 2. REPEAL OF LAWS IN CONFLICT

2 All local laws and ordinances applying to the unincorporated area of  
3 Palm Beach County in conflict with any provisions of this ordinance are  
4 hereby repealed.

5 SECTION 3. SEVERABILITY

6 If any section, paragraph, sentence, clause, phrase, or word of this  
7 ordinance is for any reason held by the Court to be unconstitutional,  
8 inoperative or void, such holding shall not affect the remainder of this  
9 ordinance.

10 SECTION 4. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

11 The provisions of this ordinance shall become and be made a part of  
12 the code of laws and ordinances of Palm Beach County, Florida. The  
13 Sections of the ordinance may be renumbered or relettered to accomplish  
14 such, and the word "ordinance" may be changed to "section," "article," or  
15 any other appropriate word.

16 SECTION 5. EFFECTIVE DATE

17 The provisions of this ordinance shall become effective upon receipt  
18 of acknowledgement by the Secretary of State.

19 APPROVED AND ADOPTED by the Board of County Commissioners of Palm

20 STATE OF FLORIDA, ~~Palm Beach County, Florida~~, on the 29th day of September, 19 87.  
21 I, JOHN B. DUNKLE, Clerk of the  
22 Board of County Commissioners, do hereby certify this to be a true and correct copy of the original filed in  
23 my office on 10/19/87.  
24 DATED at West Palm Beach, FL on 10/19/87.  
25 JOHN B. DUNKLE, Clerk  
26 ~~John B. DUNKLE, Clerk~~ D.C.  
By: John B. DUNKLE, Clerk  
27 John B. DUNKLE, Clerk  
28 Assistant County Attorney

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By John B. DUNKLE  
Chairman

JOHN B. DUNKLE, CLERK  
Board of County Commissioners  
By Tina M. Eddings  
DEPUTY CLERK

25 APPROVED AS TO FORM AND  
26 LEGAL SUFFICIENCY

29 Acknowledgement by the Department of State of the State of  
30 Florida, on this, the 8th day of October, 19 87.

31 EFFECTIVE DATE: Acknowledgement from the Department of State  
32 received on the 15th day of October, 19 87, at 1:12  
33 P.M., and filed in the Office of the Clerk of the Board of County  
34 Commissioners of Palm Beach County, Florida.

CODING: Words ~~struck~~ through are deletions; words underlined are additions.